

1 DAVID J. MORTENSEN, ESQ.

2 Nevada Bar No. 2547

3 COURTNEY CHRISTOPHER, ESQ.

4 Nevada Bar No. 12717

5 DEREK LINFORD, ESQ.

6 Nevada Bar No. 14909

7 MESSNER REEVES LLP

8 8945 West Russell Road, Suite 300

9 Las Vegas, Nevada 89148

10 Telephone: (702) 363-5100

11 Facsimile: (702) 363-5101

12 E-mail: dmortensen@messner.com

13 cchristopher@messner.com

14 dlinford@messner.com

15 *Attorneys for Defendants*

16 *The Heights of Summerlin, LLC; Summit Care, LLC;*

17 *Latoya Davis; Andrew Reese; and Genesis Healthcare, Inc.*

18 **IN THE UNITED STATES DISTRICT COURT**

19 **DISTRICT OF NEVADA**

20 ESTATE OF MARIA ASI ALIMUSA, by and
21 through its Special Administrator Roderick Troy
22 Alimusa, RODERICK TROY ALIMUSA,
23 individually, and JACQUES PHILLIPE
24 ALIMUSA, individually,

25 Plaintiffs,

26 vs.

27 THE HEIGHTS OF SUMMERLIN, LLC, a
28 Foreign Limited Liability Company; ANDREW
REESE; LATOYA DAVIS; SUMMIT CARE,
LLC, a Foreign Limited Liability Company;
GENESIS HEALTHCARE, INC., a Foreign
Corporation; DOES I through X, inclusive; and
ROE CORPORATIONS I through X, inclusive,

Defendants.

Case No. 2:22-cv-00193 -JAD-DJA

**ORDER GRANTING MOTION TO
WITHDRAW NOTICE OF REMOVAL
AND TO REMAND TO STATE COURT**

ECF Nos. 7, 11, 12, 22

COMES NOW, Defendants THE HEIGHTS OF SUMMERLIN, LLC, a Foreign Limited
Liability Company; ANDREW REESE, LATOYA DAVIS; SUMMIT CARE, LLC, a Foreign Limited

Liability Company; and GENESIS HEALTHCARE, Inc., a Foreign Corporation, by and through its counsel of record, the law firm of MESSNER REEVES LLP, and submits its Assented Motion to Withdraw Notice of Removal and Remand to State Court.

Counsel for all parties have assented to the Motion to Withdraw the Notice of Removal and Remand this matter to State Court based on the Ninth Circuit Court of Appeals recent decision in *Saldana v. Glenhaven Healthcare LLC*, 2022 WL 518989 (9th Cir. Feb. 22, 2022). The parties request that all pending Motions be denied without prejudice or denied as moot.

Counsel to this matter have agreed to the use of their e-signatures.

DATED this 9th day of March, 2022.

MESSNER REEVES LLP

/s/ Courtney Christopher

DAVID J. MORTENSEN, ESQ. (NBN 2547)
 COURTNEY CHRISTOPHER, ESQ. (NBN 12717)
 DEREK LINFORD, ESQ. (NBN 14909)
 8945 West Russell Road, Suite 300
 Las Vegas, Nevada 89148
 Telephone: (702) 363-5100
 Facsimile: (702) 363-5101
 E-mail: dmortensen@messner.com
cchristopher@messner.com
dlinford@messner.com

*Attorneys for Defendants The Heights of Summerlin, LLC;
 Summit Care, LLC; Latoya Davis; Andrew Reese; and
 Genesis Healthcare, Inc.*

Assented to by:

MURDOCK & ASSOCIATES, CHTD.


/s/ Robert Murdock

ROBERT E. MURDOCK, ESQ. (NBN 4013)
SYDNEY E. MURDOCK, ESQ. (NBN 15291)
521 South Third Street
Las Vegas, NV 89101
and
LEONARD H. STONE, ESQ. (NBN 5791)
SHOOK & STONE, CHTD.
710 South Fourth Street
Las Vegas, NV 89101
Attorneys for Plaintiffs

ORDER GRANTING MOTION

As it appears that this Court lacks subject-matter jurisdiction over this removed case, IT IS ORDERED that the Assented Motion to Remand [ECF No. 22] is **GRANTED**; the Clerk of Court is directed to **REMAND this case back to Department 30 of the Eighth Judicial District Court for Clark County, Nevada, Case Number A-21-845305-C, and CLOSE THIS CASE.**

IT IS FURTHER ORDERED that all other pending motions [ECF Nos. 7, 11, 12] are **DENIED** as moot and without prejudice.



U.S. District Judge Jennifer A. Dorsey
Dated: March 10, 2022